

UNITED STATES DISTRICT COURT
WESTERN DISTRICT

FILED
IN CLERK'S OFFICE

2006 MAY 17 P 3:56

CIVIL ACTION NO. 05-30060-MAP

U.S. DISTRICT COURT
DISTRICT OF MASS.

JOSEPH F. SCHEBEL, JR.,
Plaintiff,

v.

JOHN MOCCIO, individually and in his official capacity as
patrolman for the Agawam Police, JOHN KUNASEK, JR.,
individually and in his official capacity as patrolman for
the Agawam Police, RICHARD LIGHT, JR., individually and in
his official capacity as Lieutenant for the Agawam Police,
JAMES DONOVAN III, individually and in his official
capacity as Sergeant for the Agawam Police, AGAWAM, CITY of
INC., which is duly organized under the laws of the
Commonwealth of Massachusetts is sued herein in its
official capacity as a corporation under the laws of the
Commonwealth, RICHARD COHEN, individually and in his
official capacity as Mayor of Agawam, Massachusetts, ROBERT
CAMPBELL, individually and in his official capacity as
Chief of Police of Agawam, Massachusetts,
Defendants

PLAINTIFFS OPPOSITION
TO DEFENDANTS
MOTION TO COMPEL

Now comes the Plaintiff, Joseph F. Schebel Jr. (hereinafter
"Schebel" and/or "Plaintiff") and objects to Defendants
motion entitled "DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S
ANSWERS TO INTERROGATORIES AND PRODUCTION OF DOCUMENTS".

On May 5, 2006 the defendants John Moccio, John Kunasek,
Jr., Richard Light, Jr., James Donovan III, City Of Agawam,
Richard Cohen, Robert Campbell petitioned this court
seeking the aid of this court to compel the Plaintiff to
answer interrogatories and to produce documents that the
Defendants allegedly served the Plaintiff on February 6,
2006.

Schebel states that the Defendants have NEVER served him with interrogatories nor have they ever served Schebel with production of documents.

1. In the Defendants motion entitled "DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S ANSWERS TO INTERROGATORIES AND PRODUCTION OF DOCUMENTS" (See exhibit "1") ¶ 1 they state that they served the Plaintiff interrogatories on February 6, 2006 and in ¶ 4 they further state they served the Plaintiff production of documents.
2. In that motion the Defendants state in ¶ 2 according to rule 33 that the 30 day period has expired for the time the plaintiff would have to answer interrogatories.
3. They again in that motion state in ¶ 5 according to rule 34 that the 30 day period has expired for Plaintiff to produce the documents requested by the Defendants.
4. Although the Defendants have stated they allegedly served their motion entitled "DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S ANSWERS TO INTERROGATORIES AND PRODUCTION OF DOCUMENTS" on February 6, 2006 and that according to the Defendants own statements, rule 33 and 34 Schebel would have had to comply to their request within 30 days of February 6, 2006.
5. 30 days from February 6, 2006 would be March 8, 2006.
6. The Defendants don't file their motion to compel on March 8, in fact they wait almost 2 months before they file their motion to compel and their is a great explanation for that.
7. Schebel will draw this court attention to Page 2 of the Defendants motion (See exhibit "1"), on the bottom left Attorney Lynch signed that she certified that she had file it through the ECF system and the date of the certification was May 5, 2006.
8. Attorney Lynch sent Schebel a letter dated May 5, 2006 (see exhibit "2") informing Schebel in the body of the letter that she had filed her motion to compel Schebel to answer the interrogatories and to produce the document on May 5; 2006.
9. The filing of this motion almost 2 months later was no over sight by the Defendants or their attorney.
10. On May 2, 2006 Schebel delivered approximately 300 raw signatures to the Election Commission in Agawam

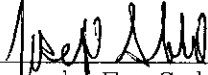
- Town Hall to be certified for Schebel bid for State Representative seat in the Third Hampden District.
11. On or about May 3, 2006 the election commission certified approximately 257 signatures in the town of Agawam alone, clearly surpassing 150 needed to secure a spot on the November 7, 2006 election.
 12. On November 4, 2006 Schebel name appeared in The Republican as a candidate for the 3rd Hampden District (see exhibit "3")
 13. There is NO doubt that the Defendants are exploiting this court to satisfied their political motives.
 14. Filing a motion to compel almost 2 months after the deadline and one day after Schebel name appeared in the paper for a candidate was clearly a calculated move.
 15. Schebel further states that the Defendants are apprehensive of having Schebel running for state office as well as they should be.
 16. When Schebel ran for Lt. Governor he clearly and repeatedly stated that he would begin to remove elected, appointed along with any employees of the Commonwealth who have violated their oath of office.
 17. If is further public notice that Schebel would file legislation that would revise the "Quinn Bill", a bill that has allowed police officer to rape the tax-payer by allowing police officer to sign up for classes, such as basket weaving, and
 18. Schebel further states that there are members of the Agawam Police who have knowingly committed perjury against Schebel, but a incompetent district attorney will not prosecute them.
 19. If is further understood that Schebel would further file legislation to implicate a panel of laymen that would remove the judicial, quasi-judicial and qualified immunity from public officials who clearly violate a person constitution rights.
 20. Schebel further states that other then a previous court date, which was a over sight of Schebel, that Schebel has never missed a deadline to file any papers and that when he needed more time he always contacted the Defendants attorney to request an extension.
 21. That although Schebel had filed comparable suits which had some of the same defendants who had hired the identical attorney, the Defendants had NEVER before requested interrogatories and/or production from Schebel.

22. Schebel states that the Defendants motion to compel is only an attempt to discredit it and cause Schebel more aggravation and work to interfere in his campaign for state representative.

Therefore, the Plaintiff, Joseph F. Schebel, for reason stated above prays that this court deny Defendants motion to compel.

May 17, 2006

Respectfully submitted

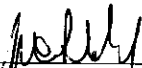


Joseph F. Schebel/Pro Se
71 Columbia Dr.
Feeding Hills, Mass. 01030
413-789-7515

CERTIFICATE OF SERVICE

I Plaintiff, Joseph F. Schebel Jr. hereby certify that on May 17, 2006 that I served the above said opposition entitled "PLAINTIFFS OPPOSITION TO DEFENDANTS MOTION TO COMPEL", on the Defendants attorney Carole Sakowski Lynch of the law offices of Morris, Mahoney & Miller whose practices are located at 1500 Main Street, P.O. Box 15387, Springfield, Mass. 01115-5387 via United States Postal Service "First Class" mail, postage prepaid:

May 17, 2006



Joseph F. Schebel Jr., pro se
71 Columbia Dr.
Feeding Hills, Mass. 01030
(413) 789-7515

EXHIBIT
"1"

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-30060-MAP

JOSEPH F. SCHEBEL, JR.,
Plaintiff/Pro Se

v.

JOHN MOCCIO, individually and in his official capacity as
patrolman for the Agawam Police, JOHN KUNASEK, JR.,
individually and in his official capacity as patrolman for the
Agawam Police, RICHARD LIGHT, JR., individually and in his
official capacity as Lieutenant for the Agawam Police, JAMES
DONOVAN III, individually and in his official capacity as
Sergeant for the Agawam Police, AGAWAM, CITY of INC.,
which is duly organized under the laws of the Commonwealth of
Massachusetts is sued herein in its official capacity as a
corporation under the laws of the Commonwealth, RICHARD
COHEN, individually and in his official capacity as Mayor of
Agawam, Massachusetts, ROBERT CAMPBELL, individually
and in his official capacity as Chief of Police of Agawam,
Massachusetts,
Defendants

**DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S
ANSWERS TO INTERROGATORIES AND PRODUCTION OF DOCUMENTS**

NOW COME the defendants, John Moccio, John Kunasek, Jr., Richard Light, Jr., James Donovan III, City of Agawam, Richard Cohen and Robert Campbell, and hereby move, pursuant to Rule 37(a)(2), that this Court order plaintiff Joseph F. Schebel, Jr. to answer interrogatories, pursuant to Rule 33, and to produce documents requested, pursuant to Rule 34. In support of their motion, the defendants state:

1. On February 6, 2006, the defendants served, pursuant to Rule 33, Interrogatories upon the pro se plaintiff, Joseph Schebel, 71 Columbia Drive, Feeding Hills, Massachusetts.
2. The 30-day period permitted by Rule 33 has expired, but the plaintiff has failed to file a written response.

3. The documents described in said Interrogatories are properly subject to discovery within the scope of Rule 33, and are described with reasonable particularity.
4. On February 6, 2006, the defendants served pursuant to Rule 34 a Request for Production of Documents upon the pro se plaintiff, Joseph Schebel, 71 Columbia Drive, Feeding Hills, Massachusetts.
5. The 30-day period permitted by Rule 34 has expired, but the plaintiff has failed to file a written response, and has failed to produce the documents requested.
6. The documents described in said Request are properly subject to discovery within the scope of Rules 26(b) and 34, and are described with reasonable particularity.

WHEREFORE, the defendants, John Moccio, John Kunasek, Jr., Richard Light, Jr., James Donovan III, City of Agawam, Richard Cohen and Robert Campbell, pray for an order compelling the plaintiff to produce the discovery requested within 14 days.

The Defendants,
JOHN MOCCIO, JOHN KUNASEK, JR., RICHARD
LIGHT, JR., JAMES DONOVAN III, CITY OF
AGAWAM, RICHARD COHEN and ROBERT
CAMPBELL,

By Their Attorneys
MORRISON MAHONEY LLP



Carole Sakowski Lynch, BBO# 547718
1500 Main Street, Suite 2400
P.O. Box 15387
Springfield, MA 01115-5387
(413) 737-4373
(413) 739-3125 (Fax)

I hereby certify that this document, filed
through the ECF System, will be sent
electronically to the registered participants
as identified on the Notice of Electronic
Filing (NEF), and paper copies will be sent
to those indicated as non-registered
participants on 5/15/06

EXHIBIT
"2"

MORRISON MAHONEY LLP

COUNSELLORS AT LAW

Carole Sakowski Lynch
Phone: 413-737-4373 Ext. 1233
clynch@morrisonmahoney.com

TOWER SQUARE
1500 MAIN STREET
SUITE 2400, POST OFFICE BOX 15387
SPRINGFIELD, MASSACHUSETTS 01115-5387
413-737-4373
FACSIMILE: 413-739-3125

MASSACHUSETTS	NEW HAMPSHIRE
BOSTON	MANCHESTER
FALL RIVER	NEW JERSEY
SPRINGFIELD	PARSIPPANY
WORCESTER	NEW YORK
CONNECTICUT	NEW YORK
HARTFORD	
ENGLAND	RHODE ISLAND
LONDON	PROVIDENCE

May 5, 2006

Joseph F. Schebel, Jr.
71 Columbia Drive
Feeding Hills, MA 01030

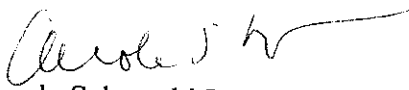
Re: Joseph F. Schebel, Jr. v. John Moccio, John Kunasek, Jr.,
Richard Light, Jr., James Donovan III, City of Agawam,
Richard Cohen and Robert Campbell
Docket No.: 05-30060-MAP
Our File No.: 10019398

Dear Mr. Schebel:

Enclosed please find Defendants' Motion to Compel Plaintiff's Answers to Interrogatories and Production of Documents in the above reference matter. This motion was filed with the U.S. District Court today, May 5, 2006.

Thank you very much.

Very truly yours,


Carole Sakowski Lynch

CSL/saw
Enclosures

EXHIBIT
"3"

Voters: Hot contests mark election season in WMass

Continued from Page A1

"It's going to be a very hard year for legislative challengers," said Sen. Stanley C. Rosenberg, D-Amherst. "We're ready to go."

His Republican opponent, Michaela L. LeBlanc, 20, a junior at Smith College in Northampton, said she will have "a huge task" in running against Rosenberg, who will be aiming for his ninth term on Beacon Hill.

At least two new independent candidates from Springfield surfaced at the deadline.

Michael T. Kogut, 51, a lawyer and former assistant attorney general, filed to run for Governor's Council, becoming the fifth candidate for the Western Massachusetts seat on the council.

Megan E. Anzalotti, 24, a teacher and head softball coach at the Roger L. Putnam Vocational-Technical High School, also said she would oppose freshman Rep. Sean F. Curran, D-Springfield.

A father and a son will also be on the ballot.

Donald E. Ashe, 70, of Springfield, the Register of Deeds in Hampden since 1983, is being challenged by Gerard B. Matthews, 54, a lawyer and president of the West Springfield Town Council.

Ashe said he's never been opposed since he was first elected.

Ashe said he will run on his record, such as the Registry being the first in the state to provide electronic transmissions of real estate transactions directly to assessors in communities.

Ashe's son, Longmeadow Selectman Brian M. Ashe, is one of six candidates running for the seat of Senate Minority Leader Brian P. Lees, R-East Longmeadow, who isn't seeking another term. Another wide open contest is shaping up for the seat of Sen. Andrea F. Nuciforo Jr., D-Pittsfield, who opted to retire from the Senate and run for the Middle Berkshire Registry of Deeds.

The Senate district covers 48 cities and towns including nine

LIST OF CANDIDATES

Here is a list of confirmed candidates in contested races for state House of Representatives, state Senate, Governor's Council and county seats for the Sept. 19 primary or Nov. 7 general election. (I) denotes incumbent

MASSACHUSETTS HOUSE OF REPRESENTATIVES

3rd Hampden District

Democrats: Carley R. Johnson Jr., Joseph Mineo and Rosemary Sandlin, all of Agawam

Republicans: Robert A. Magovern and John T. Cesan, both of Agawam

Unenrolled: Joseph F. Schebel, Agawam

Green-Rainbow: Owen R. Broadhurst, Agawam

4th Hampden District

Democrat: Robert A. Plasse, Westfield

Republican: Rep. Donald F. Humason Jr. (I), Westfield

8th Hampden District

Democrat: Rep. Joseph F. Wagner (I), Chicopee

Unenrolled: Ronald R. Sliski, Chicopee

9th Hampden District

Democrat: Rep. Sean F. Curran (I), Springfield

Unenrolled: Megan E. Anzalotti, Springfield

Libertarian: Robert J. Underwood, Springfield

10th Hampden District

Democrat: Rep. Cheryl A. Coakley-Rivera (I), Springfield

Republican: George J. Vazquez, Springfield

Unenrolled: Kyle A. Burns, Springfield

11th Hampden District

Democrats: Rep. Benjamin Swan (I), Kenneth Barnett Jr., Norman W. Oliver and Larry Lawson, all of Springfield.

Unenrolled: Deborah Pace, Springfield

12th Hampden District

Democrats: James D. Driscoll, East Longmeadow, and Angelo J. Puppola Jr., Springfield

Republicans: Christopher R. Leisey, Wilbraham, and Robert L. Collamore, Springfield

1st Hampshire District

Democrat: Rep. Peter V. Kocot (I), Northampton

Republican: John A. Andrulis, Northampton.

2nd Franklin District

Democrat: Rep. Christopher J. Donelan (I), Orange

Republican: Robert Parks, Athol

MASSACHUSETTS SENATE